

4.4 *Infrastructure Element*

The Infrastructure Element provides Goals, Policies and Objectives for public facilities and services such as Potable Water, Sanitary Sewer, Stormwater Management and Solid Waste. The Element ensures that the Town has availability of needed public services in a timely manner, determined by adopted levels of service standards and maintained within a five year schedule of capital improvement needs for public facilities. It also ensures that the Town is protecting natural recharge areas and that drainage features have adequate supply of recharge waters to the surficial aquifer.

The Town has in place sufficient infrastructure capacity to maintain its adopted level of service for drainage and potable water supply. Sanitary sewage service is provided by a state agency known as the Loxahatchee River District. Maintenance, renewal and replacement of Town's water and drainage systems are systematically addressed to ensure that the established level of service is consistent and without significant impact to rate payers. Expansion of facilities to address growth is funded by impact fees and is undertaken in advance of need. The Town continues to employ the best available technology to meet its utility needs.

Recommendations:

1. Numerous¹ policies will need to be amended to rename any reference to the Department of Public Services and Water Department with the current title of the Utilities Department.
2. Policy 1.3.8 should be amended to change the name of the drainage master plan to stormwater master plan.
3. Objective 1.4 should be amended to change the date from December 1999 to 2010 in order to complete the incorporation of the corresponding policies into the Land Development Regulations.

¹ Infrastructure Element Policies 1.1.3, 1.1.8, 1.1.9, 1.1.11, 1.3.11, 1.3.14, 1.3.15, 1.4.1, 1.5.1.

4.5 Coastal Management Element

The Coastal Management Element contains numerous objectives and implementing policies pertaining to the coordination of shoreline and environmental protection in the Town with county, regional and state governments and agencies. Since the adoption of the 1998 EAR, the Town has continued to apply the provisions of these objectives and policies as additional properties within coastal areas have been developed and redeveloped.

The State defines Coastal High Hazard Area (CHHA) in Section 163.3178(2) (h), Florida Statutes, as: “the evacuation zone for a category one hurricane as established in the regional hurricane evacuation study applicable to the local government”. In 2004, Palm Beach County amended its Comprehensive plan to redefine the County CHHA, denoted as Plan A, as the evacuation zones for a category one and two hurricane. The revisions were made based on the availability of enhanced land elevation data. Most of the Town lands are located outside of the Plan A. However, there are approximately 4,169 acres of Town lands located inside the CHHA. Table 31 contains a breakdown of the future land use designations and amount lands located in the revised CHHA.

Table 31 – Land Use Acreage in the CHHA

Land use	Acres
Commercial	350.69
Conservation	380.50
Industrial	63.99
Inlet Village Flex	37.42
Mixed Use	47.86
Public Institutional	157.75
Recreation	379.79
Residential High	173.76
Residential Low	10.28
Residential Medium	24.44
Residential	2533.61
Riverwalk Flex	9.17
Total	4,169.26

Significant intensification of uses within the CHHA may occur with the redevelopment of the Inlet Village Sector of the US Highway One/Intracoastal Waterway (US1/ICW) Corridor, which is adjacent to the Intracoastal Waterway and the Jupiter Inlet. This sector is characterized by a mix of uses and including multi-family residential dwellings. The Town also anticipates the continued development of the Mixed Use Residential and Waterway, Commercial and Entertainment Sectors of the US1/ICW Corridor. Both of these sectors also include the development of a mix of uses and multi-family residential units. As part of the Inlet Village Sector Future Land Use Map amendments adopted in December 2003, the Town amended Coastal Management Objective 2.2 and Policy 2.2.1 to establish a buildout emergency evacuation clearance time of 12 hours for a category 3 hurricane. This clearance time was based on the Town’s 2003 US One Intracoastal Waterway Corridor Hurricane Evacuation Impact Analysis Technical Memorandum (see Appendix 6.3).

Recommendations:

1. With the revised CHHA, approximately 17,000 Town residents or 43.3 percent of the Town's 2000 population live within the CHHA and are vulnerable to hurricanes. Hurricane evacuation and protection of life and property during a hurricane or other coastal disaster remains a primary concern for the Town. As part of the EAR-based amendments, the Town will add Map 4.5-1 (Town of Jupiter Hurricane Preparedness Plan) to the Coastal Management Element. This map contains the following information, which will be useful during a hurricane:
 - Designated hurricane evacuation routes;
 - Designated hurricane shelters;
 - Location of the Jupiter Medical Center (Hospital);
 - General boundary of the County's Plan A (CHHA) and B hurricane evacuation zones.

With the recognition of the updated CHHA through the adoption of Map 4.5-1, additional Town lands (primarily between Alternate A1A and Military Trail) with residential future land use category designations will be included within the buildout 12 hour emergency evacuation clearance time. As part of the EAR-based amendment to adopt Map 4.5-1, the effects the additional residential lands will have on the buildout 12 hour emergency evacuation clearance time should be included as data and analysis. The Technical Memorandum includes a Microsoft Excel worksheet computer model, which can be updated to determine the effects additional residential development will have on the 12 hour clearance time.

2. Policy 2.1.1 should be amended to include category 2 hurricanes within the CHHA.
3. The Town should also amend several policies that require initiatives be completed by a certain date (2000), many of which are overdue. The following policies should be amended to update the date certainties to complete the initiatives:
 - Objective 1.3 – Adoption of strategies to protect coastal wildlife and fisheries;
 - Objective 1.5 – Adoption of strategies to protect marine natural systems;
 - Objective 1.7 – Adoption of strategies to develop procedures and standards to protect, preserve and restore beach and dune systems.

Finally, Policy 1.2.1 states areas within the Loxahatchee Slough/River Corridor shall be designated as Conservation in the Future Land Use Element by December 2000. There are currently no lands incorporated in the Town that are within the Loxahatchee Slough/River Corridor. There are three properties on the Town's western boundary that are adjacent to the Loxahatchee Slough/River Corridor. The western edge¹ of an approximately 860 acre property (known as Parcel 19) was assigned with the Town's

¹ At a width of 125' north of Indiantown Road and a width of 100' south of Indiantown Road.

Conservation land use designation in 2003. The approved site plans for the other two properties contain 175' conservation easements along the western edge of both properties. This policy should be amended to state the Town will continue to require adequate conservation buffers for properties adjacent to the Loxahatchee Slough/River Corridor. Further, the policy should state that if areas within the Corridor are annexed into the Town, these lands will be designated with the Conservation land use.

4. The Town should amend section e) of Policy 2.1.2. This policy states the Town shall use eight listed provisions as a means to direct people away from the CHHA. Section e) of Policy 2.12. contains the following provision:

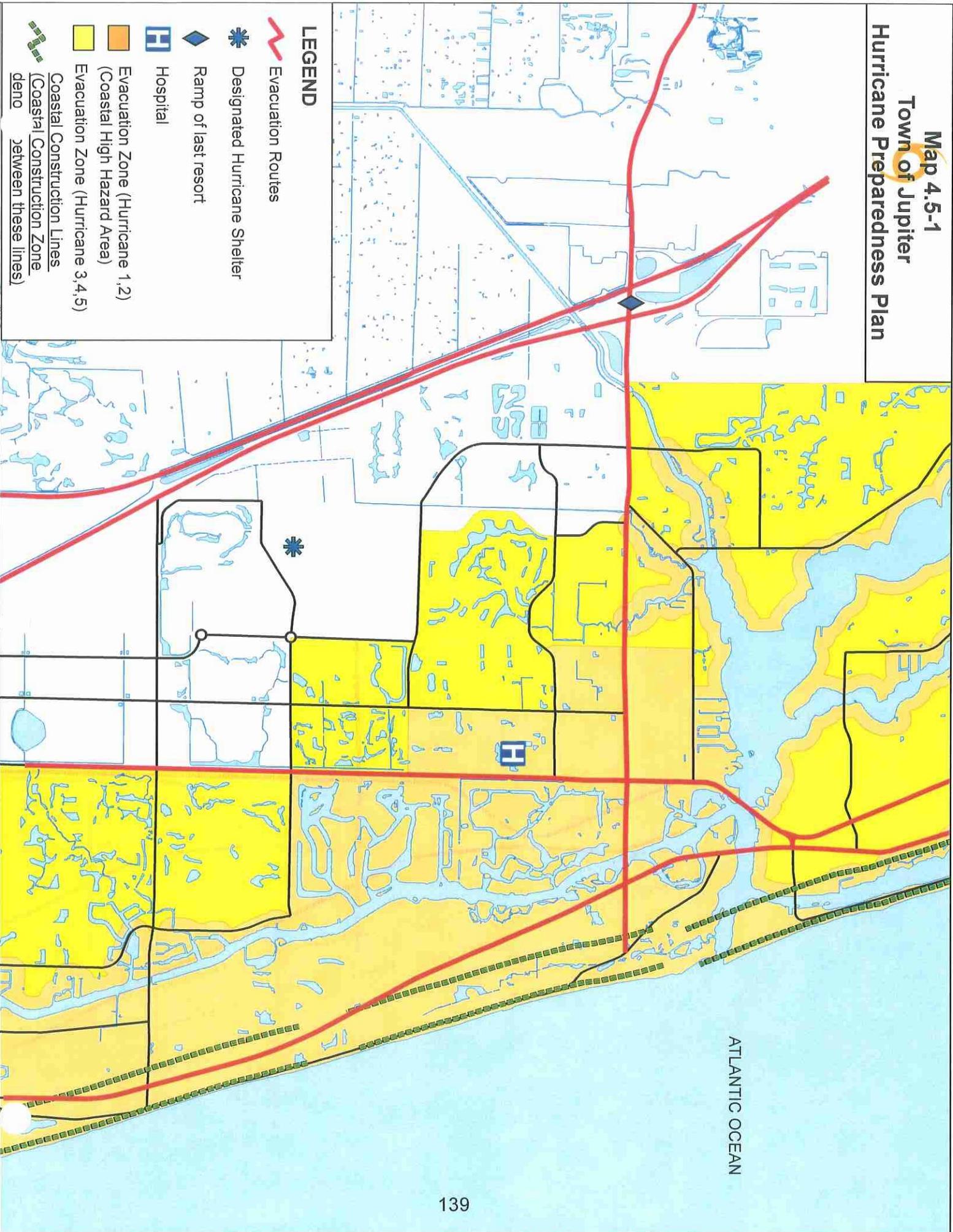
No new uses other than (sp) recreational or water dependent structures shall be allowed in the coastal high hazard areas (i.e. lifeguard station, restroom facilities, etc.)

The Town believes the original intent of this policy was to place the restrictions on new uses within the Coastal Construction Zone (an area extending approximately 1,500 feet from the Atlantic Ocean shoreline) not the entire CHHA as shown in the EAR on Map 4.5-1 (*Town of Jupiter Hurricane Preparedness Plan*). This assertion is based on Section 161.55(3), Florida Statutes, which pertains to construction within the Coastal Construction Zone and states the following:

LOCATION OF CONSTRUCTION. Construction, except for elevated walkways, lifeguard support stands, piers, beach access ramps, gazebos, and coastal or shore protection structures, shall be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability.

Section e) of Policy 2.1.2 should be amended to replace "coastal high hazard areas" with "Coastal Construction Zone," and to remedy the typo error by replacing "that" with "than."

Map 4.5-1
Town of Jupiter
Hurricane Preparedness Plan



ATLANTIC OCEAN

4.6 Conservation Element

The purpose of the Conservation Element of the Town's Comprehensive Plan is to promote the responsible use, protection, and restoration of the Town's natural resources. Through established goals, objectives and policies, the Town of Jupiter has established methods for preserving and protecting its natural resources.

The Town has the following major concerns for conservation:

- Public access to water. Nearly 50 percent of the coastline is under public ownership. Riverwalk along the Intracoastal is a public-private partnership to enhance public access to the water.
- Protect wetlands. Several key wetlands adjacent to the C-18 canal and Jones Creek have been specifically designated for conservation purposes. The Town protects wetlands on all new projects, as required by the jurisdictional agency. Also, the town allows for the transfer of densities from natural wetland areas that are not submerged to upland parcels.
- A vibrant Loxahatchee River ecology. The Town has been an active participant in the Loxahatchee River Management Coordination Council.
- Keep Jupiter Green. Existing, vacant uncommitted land in Jupiter that meets four of the nine acquisition criteria for the Open Space program may be purchased to remain undeveloped. The Town has purchased three properties in 2005. Further, the Town will maintain an inventory of designated conservation land.
- Protection of wildlife and native vegetation.

Recommendations:

1. The Town must address two policies that have time references that are past due. Policy 1.1.4, states that the Town shall survey and inventory existing vacant lands to determine which should be included in the Conservation land use category by December 2000. This policy should be amended to update the date certain to 2009. Policy 1.2.1, states that the Town shall designate areas within the Loxahatchee Slough/River Corridor with the Conservation Land Use by December 2000. This policy should be amended consistent with the recommendation for Coastal Management Element Policy 1.2.1.

4.7 Recreation and Open Space Element

The purpose of the Recreation and Open Space Element of the Town's Comprehensive Plan is to provide a system of parks and recreation sites and facilities, provide recreational programs for the Town's citizens, and maximize the preservation, enjoyment and accessibility of natural open spaces. The Recreation and Open Space Element establishes policies to ensure that enough land and facilities are available to meet the current and future recreational needs of the Town. The recreational impacts of development adopted level of service standards are established to maintain adequate service levels to the public based on estimates of future development and population growth. The adopted level of service standards are established in Policy 1.1.9.

As noted in major issue 3.2, preserving open space is a major goal of the Town and therefore, any recommendation referenced in that section should be reflected in the Recreation and Open Space Element. Another key aspect of the Recreation and Open Space Element relates to providing for the needs of the public to recreate. As noted in major issue 3.9, as the Town builds out and the major annexation areas enter the Town, the Town will have to maintain the level of service for recreation facility standards and therefore, any recommendation referenced in that section should be reflected in the Recreation and Open Space Element.

Recommendations:

1. Policy 1.1.9 should be reviewed as reference in major issue 3.9.
2. The cooperation with private schools for multi-purpose use of school and Town facilities should be added to Policy 1.1.12.
3. The Town must begin to inventory and evaluate existing parks and recreational facilities for upgrading to meet ADA standards, and should add that the Town will perform Policy 1.2.4 by 2010.
4. Objective 1.1 and numerous¹ policies will need to be amended because they have time references that are past due.
5. Policy 3.1.1 should be amended to add traffic mitigation as a purpose for preservation of open space, as referenced in major issue 3.2.

¹ Recreation and Open Space Element Policies 1.1.1, 1.1.2, 1.1.5, 1.1.18.

4.8 Intergovernmental Coordination Element

The purpose of the Intergovernmental Coordination Element is to give the Town input in the public decision making of other public agencies that affect Jupiter residents, to coordinate the impact of development proposed in the local plan upon development in adjacent municipalities, counties, the region and the State, and to provide the Town with mechanisms to establish and maintain means of coordinating planning efforts, with other local governments and service providers. In return, the Town also pledges to participate in intergovernmental coordination processes.

As detailed in several Major Issues in this report, the Town should include additional policies to enhance coordination efforts with Palm Beach and Martin Counties, other regional and State agencies and the adjacent local governments. In addition, there will be a continued need to coordinate with the Florida Department of Community Affairs-Division of Emergency Management and the Palm Beach County-Division of Emergency Management on homeland security issues and hurricane preparedness.

Recommendations:

1. The Town should remove two policies, Policy 1.1.23 and Policy 1.1.24 of the Intergovernmental Element, that relate to the scheduled construction of the Western Corridor roadway. Due to the final construction of this roadway in 2005, those policies are no longer necessary.
2. Policy 2.2.2, which states the Town shall coordinate with universities that are part of the State University System regarding the development of campus master plans, should be amended to replace Section 240.155 with Section 1013.30, F.S.
3. A new policy should be added to Objective 1.1. The new policy should recognize the value of Florida Atlantic University (FAU) to the Town and provide for coordinating programs and partnerships with FAU.

4.9 *Capital Improvements Element*

The purpose of the Capital Improvements Element (CIE) is to implement the provisions of the Town of Jupiter Comprehensive Plan by:

- Using timing and location of capital projects to provide services to support growth in areas where the Town can efficiently and effectively provide services, and to avoid placement of capital facilities in locations that would promote growth in areas which cannot be efficiently served;
- Establishing a system of examining and assigning priorities to the needs of the Town, thereby assuring that the most essential improvements are provided first;
- Coordinate the timing and location of capital improvements among the Town's Departments, as well as Palm Beach and Martin Counties, adjacent local governments, special districts and state agencies to maximize benefit from public expenditures, minimize disruption of services to the public and implement land use and infrastructure decisions; and providing a means of coordinating and consolidating various departmental requests, thereby preventing duplication of projects and equipment;
- Allowing sufficient time in advance of actual need to allow for proper planning, design and construction;
- Coordinating financial planning, allowing maximum benefit from available public funds;
- Providing cost information on a timely basis for the evaluation and formulation of alternative financing programs; and
- Helping to provide an equitable distribution of public improvements throughout the Town.

Since the adoption of the 1998 EAR, the Town's infrastructure has been sufficient to maintain or exceed most adopted Level of Service (LOS) standards, except for roadway capacity (especially along the Indiantown Road Corridor). Improvements to the adopted LOS standards for public services to meet the demands at buildout of the Town and beyond are discussed in this report in Section 2.4 (*Demands on Growth on Infrastructure*) and Major Issues 3.1 (*Implementation of Jupiter Area Study Mitigation Strategies*) and 3.9 (*Reevaluate Adopted Level of Service Standards to Assure Adequate Public Services at Buildout and Beyond [2025]*).

The Town organizes its Community Investment Program (CIP) consistent with the Strategic Plan 2005→2010→2020 (see Appendix 6.2). Capital improvements in the CIP are prioritized based on the following 2005-2010 Goals of the Strategic Plans:

- All Neighborhoods as Desirable Places to Live
- Jupiter as a Livable Community
- Being "Uniquely Jupiter"
- Improved Mobility within Jupiter
- Strong, Local Economy, More Jobs for Residents
- Continuing Responsive Town Government

One area that will require potential amendments to the CIE and the CIP pertains to the current dependency on impact fees to fund projects in the Town. As the Town nears buildout, alternate

sources of revenues to fund needed capital improvements will need to be established. Additionally, the Town will need to incorporate the new financial feasibility standards that were included in Chapter 163, F.S. by the 2005 Florida Legislature.

Recommendations:

1. A new policy should be added to Objective 1.1. This objective states the Town will use the CIE as a means to plan for its needs for capital facilities and utilize the CIP as the measure for success for these facilities. A new policy should be added to incorporate the use of the Fiscal Impact Analysis Model by a date certain to ensure the CIP is financially feasible.
2. A new policy should be added to Objective 1.3. This objective states that future development shall bear a proportionate cost of facilities improvements necessitated by the development in order to maintain the Town's adopted LOS standards for public facilities. A policy should be added to this objective that commits the Town to pursuing alternative funding sources by a date certain to offset the projected decrease in revenues from impact fees as the Town approaches buildout.

4.10 *Public School Facilities Element*

The goals of the Public School Facilities Element (PSFE) are to provide for the future availability of public school facilities consistent with the adopted LOS standards, established under school concurrency, and to maintain and enhance joint planning processes and procedures for coordination of public education facilities for planning and decision-making. Planning and decision-making refer to population projections, public school siting, and the development of public education facilities concurrent with development. In Palm Beach County, the school concurrency process involves collaboration between the School District and local governments to resolve school over-crowding, particularly for coordinating Comprehensive Plans and School District plans. The Town, as well as the other 25 local governments that are parties to the Palm Beach County Interlocal Agreement to establish public school concurrency, have a responsibility pursuant to Chapter 163, F.S. to coordinate with the School District regarding school siting to complement other community building decisions. Chapter 1013, F.S. similarly requires school boards to coordinate their planning and facility siting decisions closely with the other parties to the Interlocal Agreement.

Since the adoption of the School Concurrency Interlocal Agreement in 2000, there have been some concerns about the use of the tiered adopted LOS standards, which allow individual schools to exceed capacity for a certain number of years to allow time to build new facilities, and the methodology utilized by the School District to determine school enrollment projections. However, as shown in the School District's 2006-2010 Five-year Capital Plan¹, the over-crowding conditions at schools within the Town have been addressed. It is important to note that Policy 1.1.1 states the LOS standard is 110 percent utilization, measured as the average for all schools of each type within each Concurrency Service Area (CSA). Specifically, the 2006-2010 Five-year Capital Plan contains the following information:

- Jupiter High – With the addition of the 20 modular classrooms in September of 2005, the new capacity is 3,039 students. With the addition of the classrooms, the school is operating at 96 percent of capacity for the 2005/06 school year. The enrollment is also projected to decrease by 221 students from the 2006/07 to 2007/08 school years, which will bring the enrollment down from 103 percent of capacity to 96 percent. The primary reason for this decrease will be a proposed boundary adjustment to William T. Dwyer High in 2007/08.
- Independence and Jupiter Middle – Both middle schools are projected to operate below capacity for the 5-year planning timeframe.
- All CSA 1 Elementary Schools – In the 2007/08 school year the enrollment at Beacon Cove will be 66 students over capacity (107 percent) and Lighthouse (K-2) will be 133 students over capacity (115 percent). To alleviate these overcrowding conditions, the District is proposing future boundary adjustments (in the 2008/09 school year) for both schools. Students from both schools may be transferred to a new school located in Palm Beach Gardens. Boundary adjustments between Jerry Thomas and Limestone Creek are proposed in the 2006/07 to deal with overcrowding at these schools. The plan further

¹ The complete plan can be viewed at the following web address:
http://cms.palmbeach.k12.fl.us/cms/work_file/pd/pd/bin/Web_data_files/2005Plan/5yr_plan.pdf

notes that even with the boundary adjustment, Limestone Creek will continue to operate between 104 and 107 percent of capacity for the 5-year planning timeframe.

As noted in Major Issue 3.7 (*Apply State Statutory Changes to Improve the School Concurrency Process*), the 2005 Florida Legislature adopted amendments to Chapter 163, F.S., which resulted in the following changes to the public school concurrency process:

- Addition of enabling language for a Long-Term (10 years) School Concurrency Management Plan;
- Adds a 15-year Capital Improvements Schedule for school facilities if 10-year Plan has a backlog;
- Eliminate the requirement that school concurrency only becomes effective when all local governments have amended their Comprehensive Plan to include related amendments;
- The Concurrency Service Area (CSA) map and justification can be removed as adopted information from the PSFE and can be considered data and analysis;
- Eliminate the prohibition against exacting mitigation requirements if there is capacity in an adjacent CSA and to add a requirement that “development impacts shall be shifted to contiguous service areas with schools having available capacity;
- Provides that concurrency is satisfied if a developer has a “commitment to provide mitigation proportionate to demand for facilities to be created by” the project;
- Eliminate the option to suspend school concurrency under certain circumstances.

Related to these changes, the School District will be proposing in the Summer of 2006 amendments to the Interlocal Agreement to incorporate the following aspects of the 2005 legislative changes:

- Eliminate the requirement that school concurrency only becomes effective when all local governments have amended their Comprehensive Plan to include related amendments – Inclusion of this change would eliminate the requirement of the Town to annually amend its PSFE to include the School District’s Five-year Capital Plan.
- The Concurrency Service Area (CSA) map and justification can be removed as adopted information from the PSFE and can be considered data and analysis – This amendment would allow the Town to eliminate amendments to the PSFE to update the CSA.
- Eliminate the prohibition against exacting mitigation requirements if there is capacity in an adjacent CSA – This amendment could require mitigation measures if capacity in an adjacent service area is relied upon for approval. Under the original language, if there was capacity in an adjacent CSA then a developer would not be required to mitigate the impacts of their development. To shift the impacts of that development to another CSA may require boundary changes.
- Eliminate the option to suspend school concurrency under certain circumstances – Unlike the current provision in the Interlocal Agreement that allows for the suspension of concurrency under certain circumstances,² with the inclusion of this change in the PSFE concurrency cannot be suspended or terminated.

² School District does not adopt Five-year Capital Plan by September 15, Capital Plan is not financially feasible, if the completion of new or expanded school facilities are more than 12 months behind schedule, etc.

Recommendation:

1. As recommended in Major Issue 3.7, a new policy should be added to Future Land Use Element Objective 1.14. This objective provides for joint planning procedures between the Town and the School District, for coordination and development of public school facilities in the Town concurrent with residential development and other services. The new policy should state based on the evaluation of the success of coordinating residential development with school capacity and providing for changes in area demographics, the Town will propose amendments, as necessary, to the Palm Beach County Public School Interlocal Agreement.